

TO: **Mail Stop 8**
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REPORT ON THE
FILING OR DETERMINATION OF AN
FILED ACTION REGARDING A PATENT OR
TRADEMARK

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
 filed in the U.S. District Court Central District of California AM 11:01 AM on the following ☒ Patents or ☐ Trademarks:

COVERED BY: PCV08-4751 DATE FILED: 2006 JUL 21 CAS PLAIN		U.S. DISTRICT COURT Central District of California
PLAINTIFF MAG INSTRUMENT, INC.		DEFENDANT KOEHLER-BRIGHT STAR, INC. and DOES 1-10
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 RE 38,014	3/4/03	Mag Instrument, Inc.
2 6,905,223	6/14/05	Mag Instrument, Inc.
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4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	
	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK SHERRI R. CARTER	(BY) DEPUTY CLERK JENNY M. PHAN	DATE 6/20/07
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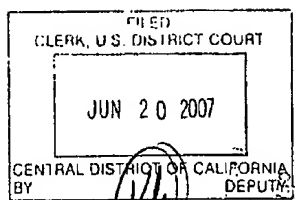
Copy 1—Upon initiation of action, mail this copy to Director Copy 3— Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4— Case file copy

LOGGED

SCANNED

FILED

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16 KOEHLER-BRIGHT STAR, INC.

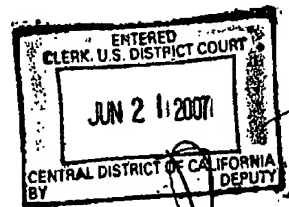
THIS CONSTITUTES NOTICE OF ENTRY
AS REQUIRED BY FRCP, RULE 77(d).

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18 UNITED STATES DISTRICT COURT
19 CENTRAL DISTRICT OF CALIFORNIA

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21 MAG INSTRUMENT, INC.,
22 Plaintiff,
23 v.

24 KOEHLER-BRIGHT STAR, INC.
and DOES 1-10,
25 Defendants.
26

Case No. CV 06-4751 CAS (PLAx)
27 **CONSENT JUDGMENT AND**
PERMANENT INJUNCTION
28 Hon. Christina A. Snyder



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ORIGINAL

1 WHEREAS plaintiff and counterdefendant Mag Instrument, Inc. ("Mag
2 Instrument") and defendant and counterclaimant Koehler-Bright Star, Inc.
3 ("Koehler-Bright Star") have agreed in a separate agreement to settlement of the
4 matters in issue between them and to entry of this Consent Judgment and
5 Permanent Injunction, it is hereby ORDERED, ADJUDGED, AND DECREED
6 THAT:

7 1. This is an action for patent infringement, arising under the patent laws
8 of the United States, Title 35, United States Code.

9 2. This Court has jurisdiction over all of the parties in this action and
10 over the subject matter at issue based on 28 U.S.C. §§1331 and 1338. This Court
11 further has continuing jurisdiction to enforce the terms and provisions of this
12 Consent Judgment and Permanent Injunction. Venue is also proper in this Court
13 pursuant to 28 U.S.C. §1391, as well as 28 U.S.C. §1400(b).

14 3. Mag Instrument is a corporation incorporated under the laws of the
15 State of California and has its principal place of business at 2001 South Hellman
16 Avenue, Ontario, California 91761.

17 4. Koehler-Bright Star is a corporation incorporated under the laws of the
18 State of Delaware and has its principal place of business at 380 Stewart Road,
19 Wilkes-Barre, Pennsylvania 18706.

20 5. Koehler-Bright Star has manufactured, used, offered for sale, and/or
21 sold certain RESPONDER 4AA flashlights. A digital photograph of a
22 RESPONDER 4AA flashlight is attached hereto as **Exhibit 1**. The RESPONDER
23 4AA flashlights were neither manufactured nor authorized by Mag Instrument.

24 6. Koehler-Bright Star has also manufactured, used, offered for sale,
25 and/or sold certain RESPONDER 4AA headlamps. A digital photograph of a
26 RESPONDER 4AA headlamp is attached hereto as **Exhibit 2**. The RESPONDER
27 4AA headlamps were neither manufactured nor authorized by Mag Instrument.

1 7. Mag Instrument is, by assignment, the owner of all right, title, and
2 interest in United States Patent No. 6,905,223 ("the '223 patent"). A copy of the
3 '223 patent is attached hereto as **Exhibit 3**.

4 8. The '223 patent, issued on June 14, 2005, is valid and enforceable, and
5 has been infringed by Koehler-Bright Star's manufacture, use, offer for sale, and/or
6 sale of the RESPONDER 4AA flashlights and RESPONDER 4AA headlamps.
7 Koehler-Bright Star will not directly or indirectly aid, assign, or participate in any
8 action contesting the validity or enforceability of the '223 patent.

9 9. Mag Instrument is, by assignment, the owner of all right, title, and
10 interest in United States Patent No. RE 38,014 ("the '014 patent"). A copy of the
11 '014 patent is attached hereto as **Exhibit 4**.

12 10. The '014 patent, issued on March 4, 2003, was (prior to its expiration)
13 valid and enforceable, and was infringed by Koehler-Bright Star's manufacture, use,
14 offer for sale, and/or sale of the RESPONDER 4AA flashlights. Koehler-Bright
15 Star will not directly or indirectly aid, assign, or participate in any action contesting
16 the validity or enforceability of the '014 patent.

17 11. Koehler-Bright Star, its officers, directors, agents, servants,
18 employees, attorneys, confederates, and all persons and/or entities acting for, with,
19 by, through, and/or in concert and participation with them or any of them, are
20 hereby permanently enjoined from engaging in any of the following activities:

21 (a) manufacturing, using, importing, offering for sale, and/or selling
22 any lighting product that infringes the '223 patent except, until December 31, 2009,
23 the RESPONDER 4AA flashlights and RESPONDER 4AA headlamps; and

24 (b) inducing or enabling each other or others to manufacture, use,
25 import, offer to sell, and/or sell any lighting product that infringes the '223 patent
26 except, until December 31, 2009, the RESPONDER 4AA flashlights and
27 RESPONDER 4AA headlamps.

1 12. Service by mail upon Koehler-Bright Star, addressed to Monica L.
2 Thompson, DLA PIPER US LLP, 203 North LaSalle Street, Suite 1900, Chicago,
3 Illinois 60601, of a copy of this Consent Judgment and Permanent Injunction
4 entered by the Court is deemed sufficient notice under Federal Rule of Civil
5 Procedure 65. It shall not be necessary for Koehler-Bright Star to sign any form of
6 acknowledgement of service.

7 13. Koehler-Bright Star dismisses its Counterclaim against Mag
8 Instrument, with prejudice.

9 14. The parties shall bear their own attorneys' fees and costs.

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11 **IT IS SO ORDERED:**

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13 Dated: June 19, 2007

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15 By: Christina A. Snyder
16 Hon. Christina A. Snyder
17 United States District Court Judge
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1 Approved as to form and content:

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3 Dated: June 19, 2007

JONES DAY

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By:



Charles A. Kertell

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7

Attorneys for Plaintiff and Counterdefendant
MAG INSTRUMENT, INC.

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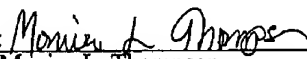
9 Dated: May 28, 2007

DLA PIPER US LLP

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11

By:



Monica L. Thompson

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Attorneys for Defendant and Counterclaimant
KOEHLER-BRIGHT STAR, INC.

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NV Security Inc

PLAINTIFF(S),

CASE NUMBER

CV 05-4217 SJO (SSx)

Fluke Networks Inc et al

v.

DEFENDANT(S),

NOTICE OF CLERICAL ERROR

TO: U. S. District Judge(s)
U. S. Magistrate Judge(s)
Counsel of Record

You are hereby notified that due to a clerical error ☐ documents associated with the filing of the new action ☐ the following scanned document ☒ docket entry have/has been corrected as indicated below.

Title of Scanned Document: _____

Filed Date: _____ Document Number: _____

- ☐ Incorrect case number _____ was assigned to this ☐ action ☐ document.
- ☐ Case number has been corrected. The correct case number is _____
- ☐ Incorrect judge's initials were indicated on this ☐ action ☐ document. The correct judge's initials are _____
- ☐ Incorrect magistrate judge's initials were indicated on this ☐ action ☐ document. The correct magistrate judge's initials are _____
- ☐ Case has been reassigned from ☐ Judge ☐ Magistrate Judge _____ to ☐ Judge ☐ Magistrate Judge _____. The initials of the new judge(s) are _____
- ☐ Case was assigned to ☐ Western ☐ Southern ☐ Eastern division. Pursuant to General Order ☐ 349, ☐ 98-3 ☐ 02-06, the case has been reassigned to the ☐ Western ☐ Southern ☐ Eastern division. The former case number _____ has been reassigned to new case number _____
- ☐ Subsequent documents must be filed at the ☐ Western ☐ Southern ☐ Eastern division. Failure to file at the proper location will result in your documents being returned to you.
- ☐ Case title is corrected from _____ to _____
- ☐ Document has been re-numbered as document number _____
- ☐ Incorrect ☐ Filed Date ☐ Date of Document ☐ ENTERED Date ☐ DATE ENTERED ON CM/ICMS was stamped on document. The correct date is _____
- ☐ Document is missing page number(s): _____
- ☐ To ensure proper routing of documents, all documents filed with the court must reflect the following case number and judge's initials: _____
- ☒ Other: Dumber #58 - Joint Report Rule 26(f) Discovery Plan was docketed under this case an error; it should be docket under case number CV 06-8175.

CLERK, U.S. DISTRICT COURT

Date July 10, 2007

By: J. Lam
Deputy Clerk

cc: Intake Supervisor / Deputy In Charge